

MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL  
CITY OF BEE CAVE  
December 10, 2013

STATE OF TEXAS           §

COUNTY OF TRAVIS       §

**Present:**

Caroline Murphy Mayor  
Steve Braasch, Mayor Pro Tem  
Zelda Auslander, Council Member  
Michelle Bliss, Council member  
Bill Goodwin, Council Member  
Kara King, Council Member (arrived at 6:04 p.m.)

**City Staff:**

Frank Salvato, City Manager  
Travis Askey, Assistant City Manager  
Patty Akers, City Attorney  
Kaylynn Holloway, City Secretary  
Lindsey Withrow, Director of Planning and Development  
Katherine Griffin, Director of Finance  
Russell Pancoast, Police Chief  
Giancarlo Patino, City Engineer  
Barbara Hathaway, Library Director  
Starr Davey, City Planner

**Call to Order and Announce a Quorum is Present**

With a quorum present, the regular meeting of the Bee Cave City Council was called to order by Mayor Murphy at 6:00 p.m. on Tuesday, December 10, 2013 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

**Pledge of Allegiance**

**Citizen Comments**

There were no citizen comments at this time.

**Proclamation recognizing the Bee Cave Public Library as a Five Star Library.**

Library Director Barbara Hathaway presented this item.

**MOTION:** A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem Braasch, to approve the Proclamation recognizing the Bee Cave Library.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss and Goodwin  
Voting Nay: None  
Absent: Council Member King

The motion carried.

Council Member King arrived at 6:04 p.m.

**Consider approval of minutes of the Regular meeting conducted on November 26, 2013.**

**MOTION:** A motion was made by Mayor Pro Tem Braasch, seconded by Council Member Goodwin, to approve the minutes of November 26, 2013.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss, Goodwin and King  
Voting Nay: None  
Absent: None

The motion carried.

**Discuss and consider action regarding Ordinance No. 181 declaring intent of the City of Bee Cave to annex into the city limits approximately 58.637 acres of land which is generally situated east of FM 2244 on West Highway 71.**

Planning and Development Director Lindsey Withrow presented this item.

**MOTION:** A motion was made by Mayor Pro Tem Braasch, seconded by Council Member Auslander, to approve Ordinance No. 181 declaring intent of the City of Bee Cave to annex into the city limits approximately 58.637 acres of land which is generally situated east of FM 2244 on West Highway 71.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss, Goodwin and King  
Voting Nay: None  
Absent: None

The motion carried.

**Discuss and consider action on a site plan amendment to install awnings to the front building elevation of Beansprout Pediatrics located at 13917 West Hwy 71.**

City Engineer Giancarlo Patino presented this item.

Dr. Temple and Dr. Grant were present at the meeting and fielded questions from the Council.

**MOTION:** A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem Braasch, to approve the site plan amendment as presented.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss, Goodwin and King  
Voting Nay: None  
Absent: None

The motion carried.

**Discuss and consider action on the Hanson residence Site/NPS plan revision and a variance request to Section 20.04.045 (b) of the City of Bee Cave Code of Ordinances to allow onsite wastewater disposal system in the water quality buffer zone of Little Barton Creek located at 15730 Hamilton Pool Road and consider approval of amended deed restrictions.**

Mr. Patino presented this item. The applicant is requesting a variance to allow onsite wastewater disposal system, more specifically, the septic collection tank next to the house, pump tank/chamber, and lift station by the approved barn house within the water quality buffer zone (WQBZ) of Little Barton Creek.

Scott Hanson, owner, spoke on this item. He presented slides showing his improvements to the property.

As part of the variance request, City staff asked the applicant to provide a backup pump for pump chamber reliability purposes, grading a berm on the bottom side of the septic tank and pump chamber in case of a spill and sewage water surfaces above ground, and amending the deed restrictions to include the aforementioned restrictions as well as applicable onsite sewage facility inspections and construction, operation and maintenance to occur in accordance with all regulations and requirements of federal, state, and local authorities. Additionally, a third party

inspection for pressure testing of the septic tank has been requested at the time of tank installation.

Mayor Murphy asked Mr. Hanson if he was planning to do any or all of the above mitigations.

Mr. Hanson stated that he would have the deed restrictions amended and have a third party inspection.

**MOTION:** A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem Braasch, to approve the site and NPS plan revision and the variance request to Section 20.04.045 (b) and the applicant agreed to a third party inspection after the tank is installed.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss, Goodwin and King
Voting Nay:	None
Absent:	None

The motion carried.

**Discuss and consider action on the final plat of Ladera Phase 3B, City of Bee Cave, Travis County, Texas, located in Ladera Ranch Subdivision off of Ladera Blvd including approval of fiscal security.**

**Discuss and consider action on the final plat of Ladera Phase 4B, City of Bee Cave, Travis County, Texas, located in Ladera Ranch Subdivision off of Ladera Blvd including approval of fiscal security.**

Mayor Murphy opened the above two items together.

Ms. Withrow presented these items.

The City Council had concerns about the project maintaining the integrity of the 5 foot setback.

Danny Martin, Senior Project Manager for Malone/Wheeler, spoke on these items and answered questions.

**MOTION:** A motion was made by Council Member Bliss, seconded by Council Member Auslander, to approve the final plat of Ladera, Phase 3B including approval of fiscal security.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss, Goodwin and King
Voting Nay:	None

Absent: None

The motion carried.

**MOTION:** A motion was made by Council Member Bliss, seconded by Council Member Auslander, to approve the final plat of Ladera, Phase 4 B including approval of fiscal security.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss, Goodwin and King

Voting Nay: None

Absent: None

The motion carried.

**Discuss and consider action on using CAPCOG's Emergency Notification System rather than CodeRED's.**

Police Chief Russell Pancoast stated that in June of 2012, the Council approved the use of CodeRED for the City's Emergency Notification System (ENS). CodeRED has not been implemented, and is currently planned for implementation with the roll out of the new City Website.

Recently, CAPCOG has made changes to the ENS which will now enable it to meet all the City's needs, and will result in lower annual costs.

The City Council agreed that the Staff should abandon the use of CodeRED and move forward with the CAPCOG ENS. This item will be brought back before the Council at a future meeting.

**Discuss and consider action regarding interpretation of Bee Cave Code of Ordinances Section 32.05.001(d)(5) related to parking and access associated with the proposed Day Care facility at Mountain Laurel subdivision.**

Ms. Withrow stated that currently the applicant has replat and site plan applications for a Day Care and Retail/Office development on the pad site at Tuscan/Mountain Laurel, and is requesting a Council interpretation of Code to determine whether a variance or Planned Development District Amendment is required to proceed with the project as designed.

Staff's interpretation is that their use is subject to Sec. 32.05.001(d)(5) because this section identifies "...similar child training and care establishments..." as needing a dedicated loading and unloading lane. Furthermore, staff interprets that this provision on required loading is intended to be applied in conjunction with Sec 32.05.001(f)(14), the provision on required parking spaces.

Richard Buckley of Buckley Properties and representing Bright Horizons stated that State law requires that “all day care children are required to be brought into the facility and registered by an adult.” Because of this, they contend the loading zone would function more like parallel parking spaces

**MOTION:** A motion was made by Council Member Goodwin, seconded by Mayor Murphy, to direct Staff to interpret Section 32.05.001(d)(5) as including day care and child care centers

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss, Goodwin and King
Voting Nay:	None
Absent:	None

The motion carried.

**Executive Session:**

The City Council closed the Open Session at 8:03 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, Mayor Murphy publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Open Executive Session. Executive session in accordance with the Texas Government Code, Section 551-072 – Deliberation regarding real property; Section 551.074 – Personnel; and Section 551.071 - Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law. The Council may adjourn into the Conference Room for the executive session.

- A. Discussion regarding possible acquisition of land for municipal purposes.
- B. Consultation with Attorney regarding Groundwater District litigation with Texas Commission on Environmental Quality.
- C. Consult with city attorney regarding municipal and other public authority to regulate nonpoint source pollution in the City’s extraterritorial jurisdiction.
- D. Evaluation of City Manager Frank Salvato.

The City Council closed the Executive Session at 11:46 p.m. and reconvened in Regular Session in the Council Chambers.

Mayor Murphy called for a motion on item D above.

**MOTION:** A motion was made by Mayor Murphy, seconded by Council Member Bliss, to authorize Mr. Salvato's salary be increased by 2% retroactive to November 1<sup>st</sup> to correspond with his annual review and in addition he be awarded a \$10,000 bonus for a job well done for this past year.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss, Goodwin and King  
Voting Nay: None  
Absent: None

The motion carried.

### **Adjournment**

**MOTION:** A motion was made by Council Member Bliss, seconded by Mayor Pro Tem Braasch, to adjourn.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss, Goodwin and King  
Voting Nay: None  
Absent: None

The motion carried.

The City Council adjourned the meeting at 11:46 p.m.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

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Caroline Murphy, Mayor

ATTEST:

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Kaylynn Holloway, City Secretary